

REMARKS

CLAIM AMENDMENTS:

Claims 1 – 21 are pending in the present application. Claims 1 – 7 have been withdrawn as being drawn to unelected subject matter. The withdrawal of the claims is made without prejudice and Applicants reserve the right to pursue these claims in another application.

The Examiner indicated that claims 10 – 21 are improper as “use” claims. Claims 10 – 21 have been amended to change the claims from “use” claims to composition claims. Support for the claim amendments can be found in the originally filed claims, at a minimum. Applicants respectfully submit that no new matter has been added as a result of the amendments to the claims.

Accordingly, the present application is in a condition for further prosecution.

ELECTION:

The Examiner alleges the instant application contains claims directed to two patentably distinct inventions sufficient to necessitate a restriction. Specifically, the Examiner states that Group I (Claims 1-7 and 10-21) and Group II (8, 9, and 10-21) do not relate to a single general inventive concept. More specifically, the Examiner remarked that Group I does not require all the chemical limitations of the composition of Group II and that Group II does not require the method of using the composition as a SCA. The Examiner further remarked that the composition can be used in other methods, such as controlling the rheology of a composition not used for coating.

With traverse, Applicants elect to further prosecute Group II (Claims 8, 9, and 10-21).

The present restriction requirement is traversed on the basis there would be no serious search and examination burden on the Examiner. Applicants respectfully submit the alleged distinct groups would not require searching in different classes/subclasses sufficient to require the present restriction. As both claim groupings contain similar limitations, a search of one group would likely be applicable to the other group. Secondly, Applicants submit that prior art applicable to one alleged group would likely be relevant to the other, as the groups are closely related. Moreover, even in the event the alleged groups would require different searches and/or

different prior art references, such a search would not unduly burden the Examiner to such a degree that a restriction should be necessary.

Nevertheless, in order to speed prosecution, Applicants elect to further prosecute Group II (Claims 8, 9, and 10-21). Applicants reserve the right to file one or more continuation applications directed to the non-elected claims and/or include the non-elected claims in a related application.

AMINE SPECIES ELECTION:

In this Office Action, the Examiner requires Applicants to elect a single disclosed species of amine for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. In particular, the species election requirement requires election of one of the species claimed in claim 11.

In response, Applicants respectfully submit that the amine species in claim 11 are structurally similar and searches for the disclosed species are co-extensive and should not be unduly burdensome to the Examiner. All of the amines have an amine functionality that is reactive with the isocyanates.

However, in order to further the examination, with traverse, Applicants provisionally elect α -methylbenzylamine, which is claimed in claims 11 and 14. With the present election, the claims that are readable upon the elected species are claims 8, 9, and 10-21, among which claim 8 and 9 are generic, and claims 10 – 21 are specifically directed to the elected species.

Applicants note that the above election of species is made merely for the purpose of giving the Examiner a starting point for examination and that any amendments to cancel the non-elected species are not necessary at this stage of the prosecution in accordance with MPEP 809.02(a), since no final decision has been made on the allowability of the generic claim(s). Upon the allowance of a generic claim, Applicants respectfully request that additional species be rejoined for examination. See, provision of 37 C.F.R. § 1.141.

ISOCYANATE SPECIES ELECTION:

In this Office Action, the Examiner requires Applicants to elect a single disclosed species of isocyanate for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. In particular, the species election requirement requires election of one of the species claimed in claim 12.

In response, Applicants respectfully submit that the isocyanate species in claim 12 all relate to structurally similar materials and searches for the disclosed species are co-extensive and should not be unduly burdensome to the Examiner.

However, in order to further the examination, with traverse, Applicants provisionally elect hexamethylene-1,6-diisocyanate in claims 12 and 14. With the present election, the claims that are readable upon the elected species are claims 8, 9, and 10-21, among which claim 8 – 11 are generic, and claims 12 – 21 are specifically directed to the elected species.

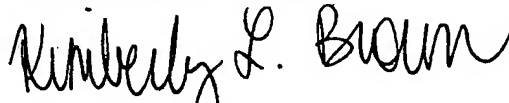
Applicants note that the above election of species is made merely for the purpose of giving the Examiner a starting point for examination and that any amendments to cancel the non-elected species are not necessary at this stage of the prosecution in accordance with MPEP 809.02(a), since no final decision has been made on the allowability of the generic claim(s). Upon the allowance of a generic claim, Applicants respectfully request that additional species be rejoined for examination. *See*, provision of 37 C.F.R. § 1.141.

Conclusion

It is believed that all pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. Because the arguments made above may not be exhaustive, there may well be reasons traversing the restrictions that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper.

In view of the above amendments and arguments, Applicants respectfully submit that the instant application is in good and proper order for examination. If, in the opinion of the Examiner, a telephone conference would expedite prosecution of the instant application, the Examiner is encouraged to call the undersigned at (713) 787-1554.

Respectfully submitted,



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